

### REMARKS

Applicants reply to the Non-Final Office Action dated September 21, 2011 within three months. The Examiner rejects Claims 8-68. Support for the claims may be found in the originally-filed specification, claims, and figures. Claims 8-68 are currently pending in the application. Applicants request reconsideration of the claims and assert that the application is in condition for allowance

#### Examiner Interview

Applicants thank the Examiner for the interview held between the Examiner and Applicants' Counsel on November 18, 2011. In the Interview, the Examiner and Applicants' Counsel discussed the differences between the Utsumi references and the recited claims. The Examiner agreed that there are differences between the Utsumi references and the subject matter in the current application. The Examiner suggested making clarifying amendments. Examiner and Applicants' Counsel discussed clarifying amendments to better distinguish the recited elements in the claims from the phone list cleaning system of Utsumi. No amendments were agreed upon during the Examiner Interview.

#### 35 USC §102

The Examiner rejects Claims 8, 9, 11, 14, 33, 39-44 and 50-59 under 35 USC §102 as being anticipated by Utsumi U.S. Pat. No. 5,796,816 (Utsumi '816). Applicants respectfully disagree that the cited reference teaches each and every element of the claim, however to expedite prosecution, Applicants amend various claims without prejudice to filing the same or similar claims in the future.

Utsumi '816 discloses a system that does not complete phone calls to parties, but instead merely checks to see if a number is effective or null. Specifically Utsumi '816 states that:

“A cleaning system retrieves a telephone number from a telephone number list to regard as a called party number and sends a SETUP message to the network. in which an unrestricted digital information is designated as a bearer capability. In case **that an ALERTING or CONNECT message** is sent back from the network, **the system sends a DISCONNECT message to the network immediately** to perform a clear sequence and determines the telephone number effective.”

(Utsumi '816 abstract, emphasis added). In performing the process, Utsumi '816 merely creates an effective list (Col. 7, line 60 through Col. 8, line 26), a null list (col. 8, lines 27-34), and a deferred list (col. 8, lines 35-41). The determination to file a number in each of these lists is based on a specific cause code returned from the network (Col. 7 line 60 through Col. 8 line 41). Moreover, Utsumi '816 states "an ALERTING or CONNECT message ... **the system sends a DISCONNECT message to the network immediately**" (abstract, emphasis added). Thus, the system of Utsumi '816 is not deleting messages from the call list in response to "a completion of the first call ... wherein the completion of the first call or a completion of the second call includes contacting an intended recipient of the user," as recited by claim 8 (and similarly recited by Claims 21, 33, 44, and 54). On the contrary, Utsumi '816's modifies the original call list in response to codes, not in response to completed calls.

Applicants also maintain previous arguments that Utsumi '816 (and similarly Utsumi '267) issues a single command to clean a list of numbers. Claim 33 (and similarly claim 21 and 44) recites "such that the initiating a call to at least two of the plurality of phone numbers is initiated by **respective commands, sequentially.**" (emphasis added) Claim 8 (and similarly claim 54) recites "sequentially initiating ... a first call and a second call ... by initiating a call to a first phone number and a second phone number, respectively, in response to sequentially receiving a first command and a second command, respectively." Applicants submit that the claims overcome the cited references which disclose at most a single command calling a phone list as opposed phone numbers with **respective** commands.

Specifically, the '816 reference describes a cleaning system for a telephone number list. In '816, a "telephone number list to be cleaned is stored in a floppy disk in a predetermined format for preparation of cleaning. The floppy disk is then inserted in the floppy disk drive 5. Cleaning command is provided with the personal computer 1 via the keyboard 7 by indicating a file name of the telephone number list to be cleaned. The CPU 2 retrieves the indicated list correspondent to the indicated file name to store it memory 3. Subsequently, the cleaning process shown in the flow chart in FIG. 2 is started." (See Utsumi '816, Col. 2, Lines 56-64.) As such, a **single cleaning command** is given to clean an entire list of numbers. The Examiner explicitly states "This 'single' command initiates a clean up of a list" on page 2 of the office action dated 9-21-11. As the Claim 33 (and similarly claim 44) recites "such that the initiating a call to at least two of the plurality of phone numbers is initiated by **respective commands, sequentially**" (emphasis added). As Utsumi

‘816 fails to teach each and every element of Claims 8, 33, 44, and 54 for at least the reasons stated above, Applicants request the Examiner withdraw the rejection.

Dependent Claims 9-20, 34-43, and 55-68 variously depend from independent Claims 8, 33, 44, and 54, so Applicants assert dependent Claims 9-20, 34-43, and 55-68 are patentable for at least the same reasons for differentiating independent Claims 8, 33, 44, and 54, as well as in view of their own respective features.

### **35 USC §103**

The Examiner rejects Claims 10, 34-36, 45-47, and 58 under 35 USC §103 as being unpatentable over Utsumi ‘816. For at least the reasons below, Applicants respectfully submit that the Examiner failed to prove a *prima facie* case of obviousness as the cited reference fails to teach each and every element of the claim, however to expedite prosecution, Applicants amend various claims without prejudice to filing the same or similar claims the future.

Applicants thank the Examiner for noting that Utsumi ‘816 fails to specifically disclose the one or more tangible computer-readable media of Claims 33 and 44, namely abbreviated command either entered manually, manually abbreviated command, or by spoken command of a user. (see Office Action dated 3/18/2011 page 6-7). To overcome this deficiency, the Examiner argues that Utsumi ‘816 discloses a call command. The Examiner also takes official notice arguing that “it is well known in the art to use call commands in either abbreviated manual commands, manual or spoken entry methods.” However, **Applicants continue to traverse** the official notice taken by the Examiner on pages 8 and 9 of the Office Action because “the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” MPEP 2144.03. Applicants therefore respectfully request that “the examiner provide documentary evidence in the next Office Action if the rejection is to be maintained.” *Id.*

Applicants also note as stated above that Utsumi ‘816 initiates only one command to clean an entire list of numbers. As such, using abbreviated manual commands, manual or spoken entry methods to initiate a call to the individual numbers respectively is not in line with what Utsumi ‘816 teaches and in fact would frustrate the automated nature of Utsumi ‘816.

Regardless, these dependent claims variously depend from independent Claims 8, 33, 44, and 54, so Applicants assert dependent these claims are patentable for at least the same reasons for differentiating independent Claims 8, 33, 44, and 54 as well as in view of their own respective features.

The Examiner rejects Claims 21-32, 37, 38, 48, and 49 under 35 USC §103 as being unpatentable over Utsumi (US# 5,636,267) in view of Iwase (US# 5,075,894). (It appears that the Examiner mistakenly omitted reliance on Utsumi '816 in view of Utsumi '267 and Iwase, otherwise the Examiner has not presented a foundation for rejecting independent Claims 8, 33, 44, and 54, which many of these rejected dependent claims depend). For at least the reasons below, Applicants disagree and respectfully submit that the Office Action does not establish a *prima facie* case of obviousness and the rejected claims are not obvious over the cited references, whether alone or in combination, however to expedite prosecution Applicants amend various claims without prejudice to filing the same or similar claims the future.

The arguments addressed to Claims 8, 34, 44, and 54 above apply to Claim 21 as well. Namely that “wherein each of the plurality of commands after the first command is available in response to a completion of a previous call resulting from initiating a call to at least one of the plurality of phone numbers included in the list, wherein the completion of the previous call includes contacting an intended recipient of the user.” Furthermore, neither Utsumi '267 nor Iwase cure these or other deficiencies. As such, neither Utsumi '816, Utsumi '267 nor Iwase taken alone or in combination teach all of the elements of Claims 8, 21, 34, 44, and 54.


Moreover, dependent Claims 9-20, 22-32, 34-43, 45-53, and 55-68 variously depend from independent Claims 8, 21, 34, 44, and 54, thus Applicants assert dependent Claims 9-20, 22-32, 34-43, 45-53, and 55-68 are patentable for at least the same reasons for differentiating independent Claims 8, 21, 34, 44, and 54, as well as in view of their own respective features.

**CONCLUSION**

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

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